

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-30 are pending in the application, with claims 1, 17 and 23 being the independent claims. No new claims are added. The changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following Remarks, Applicants respectfully requests that the Examiner reconsider all outstanding objections and rejections and they be withdrawn.

Specification

In the Office Action, the Examiner objected to the title of the invention as not being descriptive. Applicant has amended the title to provide greater detail.

Applicant has also amended the paragraph at page 10, ll. 3-13. No new matter is added by this amendment, which merely corrects a typographical error. One skilled in the art would understand the amended paragraph to describe, *inter alia*, a “display capable of and/or enabled for bistable performance, thus requiring power only for updating.” That is, among other characteristics, the display would allow displayed information to be retained. “without a need for power...”.

Claim Rejections - 35 USC § 112

In the Office Action, the Examiner rejected claim 7 as reciting “said active display area,” which the Examiner asserts lacks antecedent basis. Applicant has amended claim 7 to address this informality.

Claim Rejections - 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-6 and 8-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,748,737 to Daggar. Specifically, the Examiner asserts that Daggar discloses all elements of claims 1-6 and 8-16, including “a display area” as recited in claim 1. However, the Examiner has not addressed each feature of this claim. For example, the relevant feature of claim 1 does not merely recite “a display area,” but also recites that the display area is “disposed in said body and includ[es] an active display enabled for bistable performance.”

Daggar does not disclose or suggest an active display enabled for bistable performance. The Examiner admits as much in paragraph 6 of the Office Action, stating that “Daggar does not expressly disclose the display is enabled for bistable display of authorization information.” For at least this reason, Daggar fails to anticipate independent claim 1, and thus its dependent claims 2-16.

The Examiner also rejected claims 17-21 and 23-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,016,476 to Maes et al. Independent claims 17 and 23 have been amended to further recite that the claimed authentication device has “an active display enabled for bistable performance,” rendering the Examiner’s rejection moot. Like Daggar, Maes fails to disclose or suggest an authentication device having a display capable of bistable display of

information. For at least this reason, Daggar fails to anticipate independent claims 17 and 23, and thus their respective dependent claims 18-22 and 24-30.

In light of the above, independent claims 1, 17 and 23 are not anticipated by the art of record. Dependent claims 2-16, 18-22 and 24-30 recite further distinguishing features. Applicant respectfully requests that the Examiner's rejections under 35 U.S.C. § 102 be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Daggar in view of Data Dictionary. As discussed above, Daggar fails to disclose a device having a display that is "enabled for bistable display" of information. In an attempt to overcome this deficiency, the Examiner cites a dictionary definition of "bistable." The definition given for "bistable" requires only that a system or device has two possible states. The Examiner states that the "ON/OFF button of keypad 120 can enable the display area 110 [of Dagger] to have the ON/OFF bistable display capability," apparently suggesting that all that is required is that the display can be turned on and off. Applicant asserts that one skilled in the art would readily appreciate that the phrase "bistable display" requires more. The Examiner later appears to appreciate this, stating that "bistable performance...require[s] power only for updating and allow[s] displayed information to be retained without a need for power."

The Data Dictionary definition adds no relevant teaching to those of Daggar. The dictionary does not include a definition for "bistable display," and even if it did, could at best suggest that displays capable of bistable display are known. The Examiner has pointed to no

motivation based on the cited references to incorporate such a display into a device taught by Daggar. The feature of displayed information being retained without a need for power is one potential benefit, but it is described only in Applicant's own disclosure. This potential benefit is in no way suggested by the references cited by the Examiner.

The Examiner also rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Maes et al. As an initial matter, claim 22 depends from claim 17, which as discussed above has been amended and recites features not disclosed or suggested by Maes. Claim 22 further requires that the system of claim 17 include a "phone ordering interface [that] communicates authentication data associated with a venue to said database server in response to a request by a patron received via a public switched telephone network (PSTN)." The Examiner concludes, without evidence, that this feature is well known in the art. As an asserted motivation to include this feature in the Maes system, the Examiner merely recites a definition for PSTN. Even if the Maes reference taught the features of claim 17, which it does not, the Examiner has not demonstrated any proper motivation to modify the teachings of Maes to include the features of claim 22.

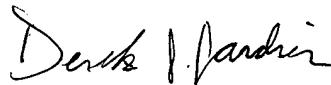
In light of the above, the Examiner has not demonstrated that claims 7 and 22 are rendered obvious by the references of record. Applicant respectfully requests that the Examiner's rejections under 35 U.S.C. § 103 be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



Derek J. Jardieu (Reg. No. 44,483)

Date: December 17, 2003

HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(202) 783-0800